

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:)	
CONCILIO ET AL.)	
)	
Serial No. 10/725,193)	Examiner: F. Almatrahi
)	
Confirmation No. 9837)	
)	Art Unit: 3627
Filing Date: December 1, 2003)	
)	Attorney Docket No.
For: METHOD FOR THE DECOMPOSITION IN)	03MAR43053800
MODULES OF SMART-CARD EVENT-)	
DRIVEN APPLICATIONS)	
_____)	

APPELLANT'S REPLY BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Herewith is Appellant's Reply Brief that is submitted
in reply to the Examiner's Answer to Appellant's Appeal Brief.
If any additional extensions and/or fees are required,
authorization is given to charge Deposit Account No. 01-0484.

In re Patent Application of
CONCILIO ET AL.
Serial No. 10/725,193
Filed: December 1, 2003

I. The Are No Related Appeals, Interferences, or Judicial Proceedings As Defined By 37 C.F.R. §41.37(c) (1) (ii)

II. Appellant's Reply To Examiner's Response to Argument

A. Independent Claims 16, 24, and 32 are Patentable Over Valencia et al. and Coutts et al.

The Examiner rejected independent Claims 16, 24, and 32 over Valencia et al. and Coutts et al. Valencia et al. discloses a system allowing paperless coupon redemption including a smart-card and a smart-card reader. The smart-card comprises a microcomputer and a memory coupled together through an address bus and a data bus. A CPU of the microcomputer is coupled to a timer through the data bus and an internal interrupt signal bus. Internal memories such as a read-only memory and a random access memory of the microcomputer are coupled through the address bus and the data bus to an interface for communication with the smart-card reader. Coutts et al. is cited as disclosing the generation of an internal event by a framework of a smart-card.

Applicants previously argued that the combination of Valencia et al. and Coutts et al. fails to disclose executing an event-driven application in an electronic device including a smart-card, the application being resident in the smart-card and being decomposed into a central module and at least one complementary module. In the Examiner's Answer, the Examiner stated that he gave no patentable weight to these recitations,

In re Patent Application of
CONCILIO ET AL.
Serial No. 10/725,193
Filed: December 1, 2003

and asserted that a preamble should not be given patentable weight where the body of the claim does not depend on the preamble for completeness.

The Examiner has misread the claims. Independent Claim 16 recites: managing interaction between the modules by a framework of the smart-card. Moreover, independent Claim 16 recites: after at least beginning execution of the central module by the framework based upon an external event, generating a new set of internal events by the framework for managing the at least one complementary module. As such, the body of independent Claim 16 indeed depends upon the preamble for completeness, as the preamble provides the antecedent basis for the central module and the at least one complementary module.

Independent Claim 24 recites: managing interaction between the central module and the at least one complementary module by the fundamental module. Moreover, independent Claim 24 recites: after at least beginning execution of the central module by the fundamental module based upon an external event, generating a new internal event by the fundamental module for managing the at least one complementary module. Therefore, the body of independent Claim 24 depends upon the preamble for completeness, as the preamble provides the antecedent basis for the central module, the at least one complementary module, and the fundamental module.

The body of independent Claim 32 contains such recitations and not the preamble. That is, the body of independent Claim 32 recites: a smart-card having an event-

In re Patent Application of
CONCILIO ET AL.
Serial No. 10/725,193
Filed: December 1, 2003

driven application resident therein, the application being separated into a central module and at least one complementary module. Consequently, any argument by the Examiner that such recitations should be given no patentable weight because they are in the preamble is foreclosed with respect to independent Claim 32.

Since the claim recitations in question should in fact be given patentable weight, Applicants once again point out that the combination of Valencia et al. and Coutts et al. fails to disclose a method for executing an event-driven application in an electronic device including a smart-card, the application being resident in the smart-card and being decomposed into a central module and at least one complementary module, as recited in independent Claim 16, for example (independent Claims 24 and 32 contain similar recitations).

As an alternate basis for patentability, Applicants also argued that the combination of Valencia et al. and Coutts et al. fails to disclose managing interaction between the modules by a framework of the smart-card, as recited by independent Claim 16, for example. In response, the Examiner's Answer explains that the Examiner has taken the position that an external terminal device of Valencia et al. discloses a framework of a smart-card. Moreover, the Examiner has taken the position that the CPU of the smart-card of Valencia et al. discloses the central module of the independent claims and that the memory of the smart-card of Valencia et al. discloses the at least one complementary module of the independent claims.

In re Patent Application of
CONCILIO ET AL.
Serial No. 10/725,193
Filed: December 1, 2003

Once again, Applicants respectfully disagree with the Examiner. The external terminal device of Valencia et al. is external. Moreover, the CPU and memory of Valencia et al. are not modules of an application, but rather components of a smart-card. Further, the external terminal device of Valencia et al. does not manage interaction between the CPU and the memory. Rather, it communicates with the smart-card via an interface. While the CPU and the memory of Valencia et al. may cooperate and act based upon an input received via the interface, the interaction therebetween would not be managed based upon the external terminal device. One of skill in the art would understand that an external terminal device does not manage interaction between a memory and a processor of a smart-card - this interpretation is unreasonable.

Since Coutts et al. fails to provide this critical deficiency of Valencia et al., the combination thereof fails to disclose managing interaction between the modules by a framework of the smart-card, as recited by independent Claim 16. Independent Claim 16 is therefore patentable. Independent Claims 24 and 32 contain similar recitations and are patentable for the same reasons.

As yet another independent basis for patentability, Applicants argued that the combination of Valencia et al. and Coutts et al. fails to disclose generating a new set of internal events by the framework for managing the at least one complementary module, as recited in independent Claim 16, for example. In response, the Examiner stated that he considered the

In re Patent Application of
CONCILIO ET AL.
Serial No. 10/725,193
Filed: **December 1, 2003**

external terminal device of Valencia et al. to generate the new set of internal events.

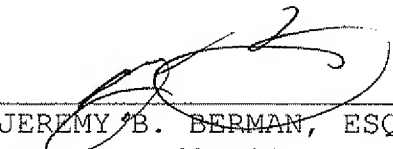
Yet again, Applicants respectfully disagree. Since the external terminal device is external, it cannot generate an internal event. Moreover, the smart-card of Valencia et al. does not generate internal events whatsoever, as it is merely used as a database. As such, Valencia et al. fails to disclose generating a new set of internal events by the framework for managing the at least one complementary module, as recited in independent Claim 16. Coutts et al. fails to provide this critical deficiency of Valencia et al. Independent Claim 16 is therefore patentable over the combination of Valencia et al. and Coutts et al. Independent Claims 24 and 32 contain similar recitations and are patentable over the combination of Valencia et al. and Coutts et al. for the same reasons.

In re Patent Application of
CONCILIO ET AL.
Serial No. 10/725,193
Filed: December 1, 2003

III. Conclusion

In view of Appellant's Appeal Brief and the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,



JEREMY B. BERMAN, ESQ.
Reg. No. 60,582
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330
407-841-2343 fax
Attorney for Appellant